

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
MM4513 CON.

In Re Application Of: Hidetoshi NARUKI, et al

COPY OF PAPERS
ORIGINALLY FILED

Serial No.
10/067,143

Filing Date
February 4, 2002

Examiner

Group Art Unit

Invention: **METHOD FOR PROCESSING AND REPRODUCING AUDIO SIGNAL AT DESIRED SOUND
QUALITY, REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL, APPARATUS FOR PROCESSING
AUDIO.....REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
March 5, 2002
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

Authorization herewith to deduct the filing fee from Deposit Account No. 01-1944. This authorization WAS already given with the filing of the application on February 4, 2002, in the first paragraph of the Preliminary Amendment, copy attached.

It is therefore respectfully submitted that the surcharge of \$130 for late payment of the filing fee should be waived as the authorization to deduct all fees in connection with the filing of the application was already given.

Applicant again authorizes any fees in connection with this application to be deducted from Deposit Account No. 01-1944.

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Group Art Unit

Invention: **METHOD FOR PROCESSING AND REPRODUCING AUDIO SIGNAL AT DESIRED SOUND QUALITY, REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL, APPARATUS FOR PROCESSING AUDIO.....REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

- ☒ Completion of application fees as calculated below:
- | | |
|---|-----------------|
| <input checked="" type="checkbox"/> Utility application filing fee | <u>\$740.00</u> |
| <input type="checkbox"/> Design application filing fee | _____ |
| <input checked="" type="checkbox"/> Total number of independent claims = <u>1</u> | _____ |
| <input checked="" type="checkbox"/> Total number of claims = <u>3</u> | _____ |
| <input type="checkbox"/> Multiple dependent claims | _____ |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | <u>\$130.00</u> |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor | _____ |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification | _____ |
| <input type="checkbox"/> Fee for processing and retention of application | _____ |
| Total completion of application fees | <u>\$870.00</u> |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due \$870.00

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Docket No.
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In Re Application Of: **Hidetoshi NARUKI, et al**

**COPY OF PAPERS
ORIGINALLY FILED**

MAY 13 2002

Serial No.
10/067,143

Filing Date
February 4, 2002

Examiner

Group Art Unit

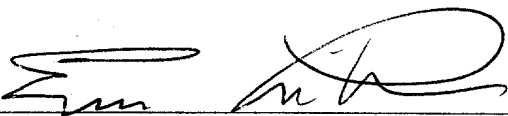
Invention: **METHOD FOR PROCESSING AND REPRODUCING AUDIO SIGNAL AT DESIRED SOUND
QUALITY, REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL, APPARATUS FOR PROCESSING
AUDIO.....REDUCED DATA VOLUME OR ADJUSTED OUTPUT LEVEL**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$870.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **01-1944**
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **01-1944**
A duplicate copy of this sheet is enclosed.


Signature

Eugene Lieberstein Reg. No. 24,645

Dated: **May 6, 2002**

I certify that this document and fee is being deposited on **May 6, 2002** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

Maggie McGarry

Typed or Printed Name of Person Mailing Correspondence

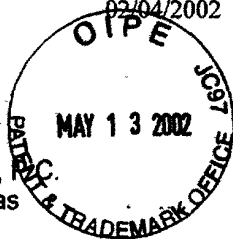
CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/067,143	02/04/2002	Hidetoshi Naruki	MM4513 CON

Eugene Lieberstein, Esq.
ANDERSON KILL & OLICK, P.C.
1251 Avenue of the Americas
New York, NY 10020

CONFIRMATION NO. 7316

FORMALITIES LETTER



OC00000007579209

Date Mailed: 03/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

05/15/2002 AWONDAF1 00000006 011944 10067143

The following item(s) appear to have been omitted from the application:

01 FC:101	740.00 CH
02 FC:105	130.00 CH

- Page(s) 70,106 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR**

1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE